

## REMARKS

The office action has been carefully considered and claim 1 has been amended in a minor way in an effort to place it in condition for immediate allowance.

The examiner has objected to the drawings for the apparent reason that the axial rib 211 is not shown in the drawings, to the extent that the objection is understood. Applicants direct the examiner's attention to Fig. 20 which shows the axial rib 211 in the figure. For this reason, it is believed that the drawings are in compliance with all applicable rules and the objection should be withdrawn.

The examiner continues to reject claims 1-3 under 35 U.S.C. 103(e) as being anticipated by Kramer. Kramer clearly does not meet all of the elements of claim 1. First of all, claim 1 includes the recitation said apparatus being operable to maintain its unclamped position when placed in said unclamped position. Kramer does not do so as is established at column 5, line 54-61 where it states that in operation before a saw blade is inserted the cam collar 56 is normally in the engaged position due to the biasing action of the spring 54. To insert a saw blade 42, the collar housing 59 is engaged by the user and rotated to the released position thereby allowing the pin 50 to move out of the slot 62. The tang 48 of the saw blade is then inserted into the slot until the shoulder portions of the saw blade contacts the sleeve 58. A review of the structure of the Kramer mechanism clearly indicates that there is no detent position and that would enable the apparatus to maintain its unclamped position and it does not operate in that manner. It also fails to anticipate, teach or suggest the element said apparatus being released when the at least one shoulder of the blade shank portion engages said apparatus as the shank portion is inserted into said opening in a slot a predetermined distance to thereby place said apparatus in said clamped position.

If the examiner is contending that a releasable retaining mechanism is met by a user/operator physically holding the kramer apparatus in its unclamped position, that is an absurd basis for maintaining the rejection.

The rejection is also truly remarkable in light of the recitation in claim 1 that "said apparatus being configured to maintain its unclamped position when placed in said unclamped position" is *admitted to be lacking in Kramer* by the examiner's remarks

directed to this very feature in the rejection of claim 4!

While the examiner stated that the phrase “being operable to” is not a positive limitation, applicants’ respectfully dispute this contention and note that this claim usage occurs frequently in issued patents, (including Patent Nos. 7,004,488 and 6,962,216 to name two examples). Applicants dispute the basis for the examiner’s contention as lacking any legal basis inasmuch as no citation to MPEP or CFR sections are set forth, nor is there any citation of decisions from the CCPA or the CAFC.

However, in order to advance the prosecution of this claim, the phrase “being operable to” has been changed to “being configured to”. This element is certainly a positive limitation inasmuch as it directly recites that the apparatus has a configuration that results in it maintaining its unclamped position when it is placed in that unclamped position. Kramer simply does not operate in this manner which is specifically admitted in the rejection of claim 4 under 35 U.S.C. 103(a). The examiner specifically states “Kramer et al. ‘548 lacks a specific releasable retaining mechanism for holding said apparatus in its unclamped position when placed in said unclamped position”. It is illogical that the examiner can reject claims 1-3 as being anticipated by Kramer when it is admitted in the rejection of claim 4 that this very feature is absent. Reconsideration and allowance of claims 1-3 is respectfully requested.

With regard to claim 4, the examiner attempts to combine Kramer and Kakiuchi to meet the element of a releasable retaining mechanism for holding said apparatus in its unclamped position when placed in said unclamped position. It is respectfully submitted that it is not possible to combine Kramer and Kakiuchi in any realistic manner to meet this element of the claim. It would be necessary to completely redesign the Kramer structure and it is not known how that would be done. While Kakiuchi has a pin 22 that rides in the axial slot portion 16b which holds it in an unclamped position and then has the pin 22 riding in the transverse slot 16a to move to its clamped position, that functionality cannot be implemented in the Kramer structure. For the pin 22 to axially move relative to the sleeve 11, the control member 20 which holds the pin 22 must ride in an indentation 2c. However, Kramer does not have such a pin 22 nor is it carried by a control member 20 that is biased by a spring 21.


The Kramer structure is an entirely different design and has *no axial movement of any of its components relative to the spindle 44*. All that happens is rotation of the blade clamp 41. The only axial movable component in the entire structure is the rear leg 90 which *deflects* between the dotted and solid position shown in Fig. 4. It is not known how either one of these references would be modified to produce the desired action. It is submitted that the examiner is using hindsight reconstruction in an effort to combine these references which is improper. For these reasons, reconsideration and allowance of claim 4 is also respectfully requested.

Since the dependent claims 2 and 3 necessarily include the subject matter of claim 1 and in addition recite other features and/or functionality, these claims are also believed to be allowable.

Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By   
Roger D. Greer  
Registration No. 26,174

December 4, 2006  
300 South Wacker Drive, Suite 2500  
Chicago, Illinois 60606  
(312) 360-0080  
Customer No. 24978